

REMARKS

A telephone conference between the Examiner and Dennis Smid (one of the applicants' undersigned attorneys) was held on October 3, 2006. The applicants and Mr. Smid wish to thank the Examiner for his time and consideration for such interview.

Claims 2, 4, 7, and 9, amended claims 1, 3, 5, 6, 8, and 10, and new claims 11 and 12 are in this application.

The drawings were objected to "as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: T10 (Figure 4C)." During the October 3 telephone interview, the Examiner stated that this objection should be withdrawn.

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph. In explaining this rejection, the Examiner stated that there "is no previous mention to a 'temperature value' [in line 7 of claim 1] or 'the time value' in [line 15 of] claim 1." As discussed during the October 3 interview, a Preliminary Amendment was mailed on June 22, 2004 which changed "the temperature value" originally in line 7 of claim 1 to "a temperature value." Additionally, the present Amendment changes the phrase "the time value" originally appearing in line 12 of claim 1 to "a time value."

The Examiner stated that claims 3 and 5 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph and to include all of the limitations of the base claim and any intervening claims. Accordingly, claims 3 and 5 have been rewritten herein to overcome the rejections under 35 U.S.C. 112 second paragraph as

discussed above and to include the limitations of the base claim and any intervening claims. As such, it is respectfully submitted that claims 3 and 5 are allowable.

The Examiner stated that claims 8 and 10 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, claims 8 and 10 have been rewritten in independent form to include the limitations of the base claim and any intervening claims. As such, it is respectfully submitted that claims 8 and 10 are allowable.

Claims 1, 6 and 9¹ are rejected under 35 U.S.C. 102(b) as being anticipated by Bauer et al. (US 5687079).

Amended claim 1 recites in part the following:

"time control means for controlling said cooling fan according to a time value which corresponds to a timing of a communication operation performed by said communication means," (Emphasis added.)

In explaining the above 102 rejection with regard to claim 1, the Examiner asserted that lines 1-9 of column 3 of Bauer disclose the present time control means. As discussed during the October 3 interview, it is respectfully submitted that such portion of Bauer does not appear to disclose the above feature of claim 1. That is, such portion of Bauer does not appear to disclose controlling a cooling fan "according to a time value which corresponds to a timing of a communication operation performed by said communication means." Instead, the portion of Bauer relied on by the Examiner appears to disclose

¹ As discussed during the October 3 interview, in view of the Examiner's statements on lines 3-5 of page 6 of the present Office Action, it is believed that claim 9 should not have been included in this 102 rejection.

storing a value in a non-volatile memory which may be read and used to form a fan speed control signal.

Thus, in the portion of Bauer relied on by the Examiner, the fan may be controlled by a signal generated from a stored value; whereas, in the present time control means of claim 1, a fan may be controlled in accordance with "a time value which corresponds to a timing of a communication operation performed by said communication means." Accordingly, it is respectfully submitted that claim 1 is distinguishable from Bauer as applied by the Examiner.

For reasons similar to or somewhat similar to those previously described, amended independent claim 6 is believed to be distinguishable from Bauer as applied by the Examiner.

Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer in view of Arai (US 6014611).

Claims 2 and 7 are dependent from one of independent claims 1 and 6. Accordingly, it is also respectfully submitted that claims 2 and 7 are distinguishable from Bauer as applied by the Examiner for at least the reasons previously described. The portions of Arai relied on by the Examiner (i.e., lines 53-65 of column 1 and lines 46-51 of column 6 thereof) do not appear to overcome the above-described deficiency of Bauer. Accordingly, it is respectfully submitted that claims 2 and 7 are distinguishable over the applied combination of Bauer and Arai.

Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer in view of Lee.

Claims 4 and 9 are dependent from one of independent claims 1 and 6. Accordingly, it is also respectfully submitted that claims 4 and 9 are distinguishable from Bauer as applied by the Examiner for at least the reasons previously described. The portion of Lee relied on by the Examiner (i.e., lines 22-28 of column 2 thereof) does not appear to overcome the above-

described deficiency of Bauer. Accordingly, it is respectfully submitted that claims 4 and 9 are distinguishable over the applied combination of Bauer and Lee.

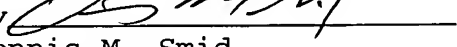
As it is believed that all of the rejections set forth in the Official Action have been overcome, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: October 24, 2006

Respectfully submitted,

By 
Dennis M. Smid
Registration No.: 34,930
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicants

696107_1.DOC